

MEMO ENDORSED

ALLYN &
FORTUNA
LLP
ATTORNEYS AT LAW

May 5, 2021

Via Electronic Case Filing

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

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Re: Martinez-Cruz, et ano. v. York Bagels Inc. et ano.
Case No.: 1:20-cv-4084 (KPF) (SN)

Dear Judge Failla:

Allyn & Fortuna LLP represents the plaintiffs in the above-referenced matter, and we write jointly with defendants' counsel, Emanuel Kataev, Esq., to request an adjournment *sine die* of the May 18, 2021 status conference, and a stay as to all other discovery related deadlines and pre-motion conference requests. The reason for the request is that, with the assistance of Mediator Robert Kheel, the parties have reached an agreement in principle to settle the case and now will begin working on settlement papers, a process that we expect to complete within the next few weeks.

We thank the Court for its attention to this matter and are available at Your Honor's convenience in the event the Court has any questions regarding the foregoing.

Sincerely,
/s/
Paula Lopez

Cc: Emanuel Kataev, Esq. (via ECF)

The Court understands that the parties have reached a settlement in this case as to Plaintiffs' individual claims. Accordingly, on or before **June 7, 2021**, the parties are instructed to file either: (i) their completed settlement agreement along with a joint letter regarding the fairness of the settlement agreement for this Court's review in accordance with the FLSA and Second Circuit law, *see, e.g., Cheeks v. Freeport Pancake House*, 796 F. 3d 199 (2d Cir. 2015); or (ii) their supporting papers in accordance with a settlement pursuant to Federal Rule of Civil Procedure 68. The Clerk of Court is directed to terminate all pending motions and adjourn all remaining dates.

Dated: May 5, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE